

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOWANY MONTILLA,

Plaintiff,

No. 13CV7012-LTS-MHD

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

Sowany Montilla (“Plaintiff”), brought this pro se action, pursuant to Section 205(g) of the Social Security Act (“Act”), as amended, 42 U.S.C. § 405(g), to challenge the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her application for Supplemental Security Income under the Act. The Commissioner has moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. Before the Court is the Report and Recommendation (“Report”) of Magistrate Judge Michael H. Dolinger, recommending that the Commissioner’s motion be denied and the case remanded for further proceedings. No objections to the Report have been received.

When reviewing a magistrate judge’s report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2012). In reviewing a report to which no timely objections have been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Court has reviewed carefully Magistrate Judge Dolinger's very thorough and well-reasoned Report and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, the Commissioner's motion for judgment on the pleadings is denied and the case is remanded to the Commissioner for further proceedings consistent with the Report.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith. And, accordingly, any application to proceed on appeal in forma pauperis with respect to the claims addressed in the Report and this Order is denied. See Coppedge v. United States, 369 U.S. 438, 444 (1962).

This order resolves Docket Entry No. 14. The Clerk of Court is requested to enter judgment and close this case.

SO ORDERED.

Dated: New York, New York
July 21, 2015

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

A copy of this order has been mailed to:

Sowany Montilla
375 E. 209th Street #3C
Bronx, NY 10467